

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,
KERRY L. BLOOMINGDALE, M.D., and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants

**DEFENDANT WALTER J. KELLY'S OPPOSITION TO
PLAINTIFF'S SECOND MOTION TO AMEND THE COMPLAINT**

NOW COMES the Defendant, Walter J. Kelly, ("Kelly"), and opposes the Plaintiff's Second Motion to Amend the Complaint to add a count against Defendant Kelly under Chapter 93A (Count XVI) as it is untimely.

WHEREFORE, the Defendant, Walter J. Kelly, respectfully requests that this Honorable Court deny Plaintiff's Second Motion to Amend the Complaint. Should the Court allow Plaintiff's motion, the Defendant seeks an additional (10) Interrogatories and Requests for Production of Documents to be propounded upon the Plaintiff regarding the new count against the Defendant.

Dated: December 20, 2006

The Defendant,

Walter J. Kelly,
By his attorneys,

s/ Michele Carlucci

George C. Rockas, BBO #544009
Michele Carlucci, BBO #655211
WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP
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CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on December 20, 2006 I have served, by electronic filing and regular first class mail, a copy of the following:

1. Defendant Walter J. Kelly's Opposition to Plaintiff's Motion to Amend Complaint.

to all counsel of record:

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s/ Michele Carlucci
Michele Carlucci